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UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff[s],

16 v.

17 A REAL PROPERTY LOCATED IN  
18 RANCHO CUCAMONGA,  
19 CALIFORNIA (KALLAS),

20 Defendant.

21 MARIA GABRIELA KALLAS AND  
22 CONSTANTINE PETER KALLAS, AND  
GMAC MORTGAGE LLC,

23 Claimants.

No. CV 08-04239-TJH (MANx)

CONSENT JUDGMENT  
OF FORFEITURE

[JS-6]

24 This action was filed on June 26, 2008. Notice was given and published in  
25 accordance with law. Claimants Maria Gabriela Kallas, Constantine Peter Kallas, and  
26 GMAC Mortgage LLC (“Claimants”) filed the only claims to the defendant Real  
27 Property Located in Rancho Cucamonga, California (the “defendant property”), more  
28

1 particularly described below. (See Dkt. Nos. 8, 9.)

2 No other statements of interest or answers have been filed, and the time for filing  
3 such statements of interest and answers has expired.

4 On June 1, 2010, Claimant Maria Kallas agreed to the forfeiture of her interest in  
5 the defendant property and is no longer a party of interest in this case. (See Dkt. No.  
6 45.)

7 On March 4, 2011, this Court entered an order concerning the parties' stipulation  
8 to recognize the lien interest of Claimant GMAC Mortgage LLC ("GMAC") and allow  
9 for the interlocutory sale of the defendant real property. Pursuant to that order, the  
10 government was provided one year to sell the defendant real property. (Pursuant to the  
11 stipulation, Claimant GMAC, which agreed to forestall any foreclosure efforts against  
12 the defendant real property as part of the stipulation, was excused from further  
13 participation in this action.) After the expiration of that one year period, Claimant  
14 GMAC would be allowed to resume any foreclosure efforts against the defendant real  
15 property. (See Dkt. No. 54.)

16 On or after March 4, 2012, and after the government could not sell the defendant  
17 real property as provided in the stipulation, Claimant GMAC resumed its foreclosure  
18 efforts against the defendant real property. On or about April 27, 2012, GMAC  
19 conducted a foreclosure sale of the defendant real property, resulting in the substitution  
20 of the net proceeds of the sale, \$56,601.91, being deposited with the U.S. Department of  
21 Homeland Security-Bureau of Customs and Border Protection (the substitute custodian  
22 in place of the U.S. Marshals Service) as a substitute res in this action.

23 On June 1, 2012, the Court granted the proceeds of Foreclosure Sale as Substitute  
24 Res in the amount of \$56,601.91 as substitute res for the defendant property (the  
25 "substitute res"). (Dkt. No. 65). Accordingly, Claimant GMAC is no longer a party of  
26 interest in this case.

27 Plaintiff the United States of America and Claimant Constantine Peter Kallas  
28 ("Kallas") have reached an agreement that is dispositive of the action. The parties

1 request that the Court enter this Consent Judgment of Forfeiture.

2 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

3 1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345  
4 and 1355 and over the parties hereto.

5 2. The Verified Complaint for Forfeiture states a claim for relief pursuant to  
6 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C), and 984.

7 3. Notice of this action has been given in accordance with law. All potential  
8 claimants to the defendant property other than Kallas are deemed to have admitted the  
9 allegations of the Complaint. The allegations set out in the Complaint are sufficient to  
10 establish a basis for forfeiture.

11 4. The legal description of the defendant property is:

12 LOT 8 OF TRACT 10246 IN THE CITY OF RANCHO  
13 CUCAMONGA, COUNTY OF SAN BERNARDINO, STATE  
14 OF CALIFORNIA, AS PER MAP RECORDED IN BOOK  
15 199, PAGES 60 AND 61 OF MAPS, IN THE OFFICE OF  
16 THE COUNTY RECORDER OF SAID COUNTY.

17 Assessor's Parcel Number: 1074-291-23-0-000.

18 5. \$10,000.00 of the defendant substitute res, without interest, shall be  
19 returned by either check or wire transfer. If the United States elects to make the payment  
20 by check, the check will be payable to "Constantine Peter Kallas," and mailed to  
21 attorney, Shawn R. Perez, Esq. If the United States elects to make the payment by wire  
22 transfer, the funds will be wire transferred to the bank account that Kallas and his  
23 attorney specify. Kallas and his attorney shall provide any and all information needed to  
24 process the return of these funds according to federal law. Said payment shall be subject  
25 to applicable federal law.

26 6. The United States of America shall have judgment as to the remaining  
27 \$46,601.91 of the defendant substitute res, together with all interest earned by the  
28 government on that amount of the defendant substitute res since seizure, and no other

1 person or entity shall have any right, title or interest therein.

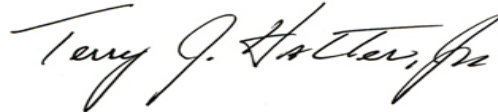
2 7. Kallas has agreed to release the United States of America, its agencies,  
3 agents, and officers, including employees and agents of the Department of Homeland  
4 Security, Bureau of Immigration and Customs Enforcement, from any and all claims,  
5 actions or liabilities arising out of or related to this action, including, without limitation,  
6 any claim for attorney's fees, costs or interest which may be asserted on behalf of Kallas,  
7 whether pursuant to 28 U.S.C. § 2465 or otherwise. Nothing in this proposed consent  
8 judgment is intended as, nor should anything in this proposed consent judgment be  
9 interpreted as an admission by Kallas of any liability or wrongdoing.

10 8. Each of the signatories to this Consent Judgment represents that he or she  
11 has the full power and authority (without further approvals or consents) to enter into this  
12 Consent Judgment and perform the obligations set forth herein.

13 9. This Consent Judgment may be signed in counterparts and shall be deemed  
14 to have been equally drafted by the parties hereto.

15 10. The Court finds that there was reasonable cause for the seizure of the  
16 defendant property and institution of these proceedings. This judgment shall be  
17 construed as a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

18  
19 Dated: June 25, 2015



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20 THE HONORABLE TERRY J. HATTER, JR.  
21 UNITED STATES DISTRICT JUDGE  
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23 **[Signatures of counsel appear on the next page.]**  
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**Approved as to form and content:**

DATED: June 12, 2015

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ROBERT E. DUGDALE  
Assistant United States Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

/s/ Christen A. Sproule  
CHRISTEN A. SPROULE  
Assistant United States Attorney  
Asset Forfeiture Section

Attorneys for Plaintiff  
United States of America

DATED: June 22, 2015

LAW OFFICES OF SHAWN R. PEREZ

/s/ Shawn R. Perez  
SHAWN R. PEREZ

Attorney for Claimant  
CONSTANTINE KALLAS

DATED: June 17, 2015

/s/ Constantine Kallas  
CONSTANTINE KALLAS  
Claimant